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Attorney for Defendants
MORGAN, LEWIS & BOCKIUS LLP and
ERIC MECKLEY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK ANTOINE FOSTER,

Plaintiff,

vs.

MORGAN, LEWIS & BOCKIUS, LLP
and ERIC MECKLEY, as an Individual,
and DOES 1-81,

Defendants.

Case No. C-08-01337 MHP

**DEFENDANTS' RE-NOTICE OF
HEARING ON MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

[FRCP 12(b)(6)]

Date: April 28, 2008
Time: 2 p.m.
Courtroom: 15, 18th Floor
Judge: Hon. Marilyn H. Patel

TO PLAINTIFF MARK ANTOINE FOSTER, IN PRO PER:

PLEASE TAKE NOTICE that, pursuant to the Related Case Order issued on March 18, 2008 by Hon. Marilyn H. Patel, Defendants hereby re-notice the hearing on their Motion to Dismiss Plaintiff's Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The hearing was originally noticed for April 22, 2008 at 9 a.m. before the Hon. Elizabeth D. LaPorte. However, due to this case being reassigned, Defendants re-notice the hearing for April 28, 2008 at 2:00 p.m. before Hon. Marilyn H. Patel, Courtroom 15, 18th Floor, 450 Golden Gate Avenue, San Francisco, California, 94102.

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2 Dated: March 21, 2008

MORGAN, LEWIS & BOCKIUS LLP

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4 By /S/
5 Melinda S. Riechert
6 Attorney for Defendants Eric Meckley and
7 Morgan Lewis & Bockius LLP
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10 MECKLEY

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 MARK ANTOINE FOSTER,

Case No. C-08-01337 MHP

14 Plaintiff,

PROOF OF SERVICE

15 vs.

16 MORGAN LEWIS & BOCKIUS, LLP and
17 ERIC MECKLEY, an individual, and
18 DOES 1 through 81,

19 Defendants.

20 I am a resident of the State of California and over the age of eighteen years, and not a
21 party to the within action; my business address is One Market, Spear Street Tower, San
22 Francisco, California 94105-1126.
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On **March 21, 2008**, I served the within document(s):

**DEFENDANTS' RE-NOTICE OF HEARING ON MOTION TO DISMISS
PLAINTIFF'S COMPLAINT [FRCP 12(b)(6)]**

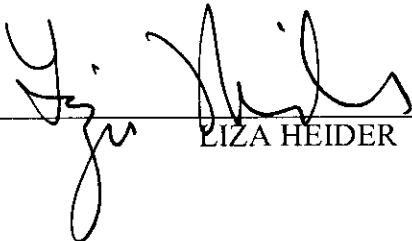
- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing true and correct copies of the documents listed above in sealed envelopes with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- ☐ by causing the document(s) listed above to be personally delivered to the person(s) at the address(es) set forth below.
- ☐ by transmitting via electronic mail the document(s) listed above to each of the person(s) as set forth below.

Mark Foster, *In Pro Per*
200 Corpus Cristi Road, #A
Alameda, CA 94501

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on **March 21, 2008**, at San Francisco, California.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.



LIZA HEIDER